

Opinion of the Court

**THE JUDICIAL BRANCH OF THE STUDENT  
GOVERNMENT ASSOCIATION OF THE UNIVERSITY  
OF TENNESSEE-KNOXVILLE**

*Case Numbers: 2018-01, 2018-02, and 2018-03*

ALEX CROCKETT, PLAINTIFF V. JACK HUDDLESTON, DEFENDANT (2018-01)

ALEX CROCKETT, PLAINTIFF V. OVI KABIR, DEFENDANT (2018-02)

NICKOLAS MUCCI, PLAINTIFF V. JACK HUDDLESTON, DEFENDANT (2018-03)

Decided via Summary Judgement on 25 February 2018

**I. Introduction**

On February 21, 2018 three separate cases were submitted to the Judicial Branch detailing alleged campaign violations. Two of the cases, 2018-01 and 2018-03, while submitted separately - detail the same alleged violation of the Election Packet (a prospective candidate - Mr. Jack Huddleston - allegedly engaged in a speaking event with Sorority groups before such events are approved to take place). The third, 2018-02, contends that an email sent by Mr. Ovi Kabir to members of the First-Year-Council violated the mass communication provisions of the Election Packet. The content of these cases are of a fairly routine nature for the Court to rule on, however, what is highly irregular is the time in which each of these cases were submitted.

Traditionally, the Court has not had to deal with campaign violations prior to the mandatory candidate interest meeting taking place. This is an important note, as the period between that interest meeting and the certification of the election - deemed the 'campaign period' - is the only time period in which the Judicial Branch has the authority to enforce the rules of the SGA Election Packet. The cases submitted to the Court are thus of a unique nature and require thorough consultation of the 2018 SGA Election Packet (EP2018), the SGA Constitution, and the Judicial Branch's Bylaws for their proper disposal.

Upon reflection on these documents, the Court sets forth the following questions as a guide in helping determine what action, if any, is appropriate on the part of the Judicial Branch.

1. Does the Court have the requisite jurisdiction needed to hear the case?
2. Was the evidence submitted to the Court of a compelling enough nature to merit consideration and was it obtained/submitted legally?
3. Is there sufficient reason to believe that a violation of the election packet *may* have occurred?

In order for the Court to hear any case, each of these three questions must be answered in the affirmative. The remainder of this opinion will consider the merits of each guiding question.

## II. Determination of Jurisdiction

The EP2018 prescribes the Judicial Branch “all original judicial authority pertaining to student elections” adding further that the Judicial Branch “shall have the authority to adjudicate all controversies arising from or pertaining to campaign activities and any injury thus resulting.” (Section E, subsection II, clauses A and B). In light of these powers and responsibilities, the Court finds that they do - as a matter of content and subject - have the authority to hear, try, and rule on the three cases previously described. Mass email communication (Section E, subsection III, subclause F) and speaking engagements (Section E, subsection III, clause G) are two sections of the Election Packet that are well defined and Court has a history of handling.

However, the Election Packet goes on to place temporal restrictions on the Judicial Branch’s authority in adjudicating cases related to alleged campaign violations. As the Election Packet states, “the Judicial Branch’s authority only pertains to issues and disputes arising during the campaign period as described by the Election Rules and Procedures” (Section E, subsection II, clause B). The ‘Campaign Period’ is then later defined in the Election Packet as being, “the period from the Mandatory Candidate Meeting (February 28, 2018) until the results are announced (April 12, 2018)” (Section E, subsection III, clause B, subclause 1).

In light of these revelations, the Court concludes it would normally have the authority to hear these cases. However, at the present time, its jurisdiction is restricted by the Election Packet until the Campaign Period begins. ***Thus, we lack the authority needed to rule on election violations until the Campaign Period commences.*** Perhaps this is an issue future election commissions should address when drafting the Election Packet, but for now the bounds of the Judicial Branch’s authority are clear based on the 2018 Election Packet.

The Court does make one final observation on the question of jurisdiction, though. Deriving from its mission to “enforce both the spirit and the letter of the law” and see to it that the SGA election is administered with integrity and fairness, we find it objectionable to conclude that campaign violations occurring before the actual ‘Campaign Period’ are immune from punishment. Election Packets only expire upon passage of a new Election Packet, thus - at any point throughout the year - there is an Election Packet (with its accompanying rules and procedures) in place. To say that violations of these rules cannot be prosecuted if the irregularity does not occur during the 6-week Campaign Period opens the door to a host of potential abuses and improprieties. A well controlled election period is vital to the administration of a fair election. Resultantly, ***the Court establishes that campaign violations occurring prior to the ‘Campaign Period’ are subject to penalty from the Judicial Branch (if not otherwise***

*adjudicated) once the Judicial Branch's jurisdiction takes effect, assuming that plaintiffs can effectively make the case that 'pre-Campaign Period' violations resulted in some 'injury' (disadvantage) sustained during the 'Campaign Period'.*

### **III. Examination of Evidence and Submission**

In all three cases submitted, the Court finds no reason to dismiss the complaints on a matter of standing. It is been previously held that anyone experiencing any irregularity of election procedure has standing to submit evidence and complaints to the Judicial Branch (ethics committee). Further, related to the points mentioned above, because we are currently in a 'pre-election period' phase, there are no recognized parties or candidates to submit grievances. This alone should not preclude and disqualify enforcement of election rules, particularly when alleged violations could reasonably impact the campaign period and results of the election.

Additionally, there has been mention that a certain statute of limitations exists on submitting evidence and claims of Election Packet violations. These challenges result from sections of the Election Packet that say, "... proof [of violations] must be submitted by the witness or representative of the witness as part of a formal report to the Election Commission within one week of the first possible date of access to the evidence by the witness" (Section E, subsection X, clause E). However, this passage may have limited applicability to these cases. This language appears only in a section of the Election Packet dealing with challenges to the *validity and certification* of the election. However, earlier in the paragraph the phrase "during the election process" is used. This is an ambiguous phrase lacking clear interpretation. ***The Court takes no definitive position on this ambiguity at the moment and encourages the Election Commission to clarify their intent with this particular passage.***

Finally, there is sufficient evidence to potentially pursue a hearing with cases 2018-01 and 2018-02, however, 2018-03's hearing request was not accompanied by any actual *evidence* of the alleged violation. Under normal circumstances and when the Court has the necessary jurisdiction to hear and rule on cases, hearing requests without supplementary evidence submissions will be dismissed immediately. ***Taking all of these points into consideration, the Court finds that - suspending issues related to jurisdiction for the moment - there are no clear problems with the cases submitted in terms of standing of the plaintiff's to request the intervention of the Judicial Branch (with the exception of case 2018-03 due to lack of supplementary evidence).***

### **IV. Determination of Violations**

Based on the evaluation of the previous two points, the Court felt it would be inappropriate - at this time - to comment on whether the alleged events described did in fact violate the Election Packet. Our reason being, we do not want to risk biasing or influencing how the Court (or other

relevant parties) may deal with these cases (or similar cases) in the future, without being able to definitively establish the jurisdiction needed to hear the case at present. ***The Court thus make no comment as to whether violations of the Election Packet have occurred in cases 2018-01, 2018-02, and 2018-03.***

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THEREFORE, the Court rules that while we have the jurisdiction to rule on the cases as a matter of content, in terms of the timelines set forth in the 2018 Election Packet - we lack the authority to hear and rule on any cases until the campaign period begins. Further, we recognize the possibility that infractions occurring *before* the campaign period can result in injuries suffered *during* the campaign period. We also acknowledge our responsibility to uphold the ‘spirit and letter’ of the law and to ensure the SGA election is run fairly and with integrity. ***Consequently, we invite the plaintiffs to resubmit their cases once the campaign period has begun, with information detailing how they (or another party) may be placed at a disadvantage (once the campaign period commences) due to the alleged infractions (that occurred before the campaign period).*** If this is sufficiently accomplished, the Court feels it will have the jurisdiction needed to proceed with hearing the cases (if needed) and issuing of relevant opinions.

*It is so ordered.*

WHITE (C.J.), CLINE, COOK, DAVIS, MILLER, and STOGSDILL delivered the opinion of the court.